

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

MONTANA WILDLIFE  
FEDERATION, *et al.*,

Plaintiffs,

vs.

DAVID BERNHARDT, in his official  
capacity as Secretary of the Interior, *et al.*,

Defendants,

WESTERN ENERGY ALLIANCE and  
STATE OF WYOMING,

Defendant-Intervenors.

**4:18-cv-69-BMM**

**ORDER**

Defendant-Intervenor Western Energy Alliance (“WEA”) filed a Motion to Strike certain standing declarations Plaintiffs had filed in support of their Phase Two Motion for Summary Judgement. (Doc. 224). In particular, WEA seeks to

exclude the Declaration of Matthew Holloran, and segments of the Declarations of Peter G. Arnald, Tina Toth, and Richard Guenxel, Kirk Peterson. (Doc. 224 at 2).

WEA argues that the identified declarations prove irrelevant to standing, fail to comport with the Federal Rules of Evidence, and, as “extra-record” evidence, remain inadmissible under the Administrative Procedure Act. (Doc. 225 at 2, 7).

Plaintiffs must establish that they possess standing to invoke the Court’s jurisdiction. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 559–60 (1992). Standing represents an “indispensable part of [a] plaintiff’s case.” *Id.* at 561. “The party invoking federal jurisdiction bears the burden of establishing these elements.” *Lujan*, 504 U.S. at 561. A plaintiff may submit declarations and other extra-record materials to prove standing. *Nw. Envtl. Def. Ctr. v. Bonneville Power Admin.*, 117 F.3d 1520, 1527-28 (9th Cir. 1997).

The Court held a hearing on WEA’s Motion to Strike on June 14, 2021. (Doc. 260). At that hearing, Plaintiffs agreed that the Declarations at issue could only be used for standing purposes. (Doc. 260). With that clarification made, WEA represented that Plaintiffs’ assertion satisfied WEA’s concerns. (Doc. 260). The Court will therefore deny WEA’s Motion to Strike.

**ORDER**

Accordingly, **IT IS ORDERED** that Western Energy Alliance's Motion to Strike (Doc. 224) is **DENIED**.

Dated the 21st day of June, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

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Brian Morris, Chief District Judge  
United States District Court